IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: SHUSTER et al.	
	Art Unit: 2154
Serial No.: 09/648,474	
Filed: August 21, 2000	Examiner: Dustin Nguyen
Title: METHOD, APPARATUS AND SYSTEM FOR HOSTING INFORMATION EXCHANGE GROUPS ON A WIDE AREA NETWORK	

REPLY TO EXAMINER'S ANSWER

Mail Stop Appeal Brief - Patents
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Sir or Madam:

The appellant filed a Second Amended Appeal Brief ("Appeal Brief") on September 28, 2006 in the above-identified application, to which the Office provided an Examiner's Answer on December 20, 2006 (the "Answer"). No portion of the Appeal Brief has been objected to or denied entry. The appellant respectfully submits this Reply to the Examiner's Answer, pursuant to 37 CFR 41.41.

Arguments for patentability of the pending claims are set forth in the Appeal Brief. This Reply addresses the counter-arguments raised in the "Response to Arguments" section beginning on page 8 of the Answer, in the order set forth therein.

Before addressing the merits of these arguments individually, Applicants wish to respond to a general approach evident in the Answer. The Answer frequently recites

the phrase, "the question is, broadly or reasonably interpreted, does [the pertinent reference] disclose [the claimed element]." This phrase does not accurately summarize Federal Circuit law concerning the examination to be performed by the Patent and Trademark Office (PTO). The PTO does not "broadly or reasonably" construe the prior art. Rather, "the PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant's specification." *In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997); *see also* M.P.E.P. § 2111. It is the claims that are to be given their broadest reasonable interpretation, while the prior art is simply reviewed to determine whether or not it discloses the claim elements so construed. In the present case, the Examiner's *prima facie* case is deficient, and no "broad" reading of the references can rescue it.

I. REJECTION UNDER 35 U.S.C. § 103(a) OF CLAIM 50 IN VIEW OF HERTZ AND ROSE

Issue 1: Hertz and Rose fail to disclose the claimed step of "serving a topically organized information resource . . . comprising a defined topic of information, posts of information from users, and plurality of links to respective different remote information resources each containing information related to the topic."

Claim 50 defines a topically organized information resource that is made up of **three features**: (1) a defined topic, (2) posts, and (3) links to further resources

related to the topic. It is acknowledged that Hertz discloses newsgroups, which were well known in the art. Newsgroups, however, comprise an information resource having only two of these features: a topic and user posts. Hertz fails to disclose a resource that includes these two features **and** the "plurality of links to respective different remote information resources each containing information related to the topic." The Answer does not prove otherwise.

The Answer does not rebut any of the numerous points made on pages 10-13 of the Appeal Brief regarding the deficiencies of Hertz and Rose with respect to claim 50's "serving" step. The deficiencies of Rose and the truth of Applicants' remarks concerning Hertz are apparently accepted. In particular, it appears that Applicants and the Examiner are in agreement that neither Hertz nor Rose discloses a single topically organized information resource comprising all three of the recited features, including the "plurality of links" to topically related resources. As will be demonstrated below, the Answer presumes that there is no need to show that the prior art discloses serving an information resource with all three recited features. In so presuming, the Answer commits a legal error.

The PTO is required to construe claims reasonably during examination. *In re Morris*, 127 F.3d at 1054. It is unreasonable to not give effect to the express language of claim 50, which requires serving an information resource that must have the three distinct features recited there. To disclose the recited serving step, the prior art

reference must disclose the action of serving a resource having **all three** of the recited features. Hertz fails to disclose an information resource with all three of the recited features on one page or otherwise making up a single topically organized information resource. The final Office Action and the Answer do not even point out a suggestion or motivation for making the claimed combination, and so the *prima facie* case is deficient. To support a *prima facie* case of obviousness against claim 50, such a showing is clearly necessary. M.P.E.P. § 2143.

In this case, however, showing a suggestion or motivation to combine, although lacking in the Answer, would **not** be sufficient to establish a *prima facie* case of obviousness. Claim 50 is not directed to a web page or other object that comprises all three of a topic, user posts, and links to related resources. Instead, it is directed to a method of using such an object. Applicants maintain, for the reasons explained in the Appeal Brief and here, that the three-part object defined by claim 50 is novel. But whether or not the object is patentable is not at issue here. What is at issue is whether or not the method in which the object is used is patentable. That the method makes use of a novel object demonstrates that the *prima facie* case against the method is deficient. In addition, whether or not that novel object is deemed patentable, or even novel, is not determinative of patentability of the method. *Catalina Marketing International, Inc. v. Coolsavings.com*, 289 F.3d 801, 809-810 (Fed. Cir. 2002). The method would still be patentable as a new unobvious use of an object, among other things, whatever the

novelty or patentability of that object. The object is an integral part of the method on which subsequent steps depend. If not for the three-part object being served, the steps of receiving, aggregating, and providing user access to rating data concerning relevance of the user posts and plurality of linked resources could not be performed.

The Answer argues that Hertz discloses the claimed "plurality of links . . ." at col. 9:31-34, col. 12:33-36, and col. 74:12-38. Answer, p. 10:1-8; p. 4:6-8. A review of these portions of Hertz, and indeed, the entirety of Hertz, shows that Hertz fails to disclose serving the plurality of links in combination with a defined topic and user posts in a single resource. These portions of Hertz are summarized below.

At col. 9:31-34, Hertz discloses target objects that "are links to pages, servers, or news groups available on the World Wide Web which are linked from pages and articles on-line newspaper." Here, Hertz merely discloses that a "target object," among other things, may be a link to a newsgroup. Hertz does not here disclose a newsgroup page or other "topically organized information resource" that comprises all three recited features of: (1) a topic, (2) user posts, and (3) related links.

Likewise, at col. 12:29-36, Hertz discloses that

> Related measurable numeric attributes that also indicate a kind of popularity include the number of replies to a target object, in the domain where target objects are messages posted to an electronic community such as a computer bulletin board or newsgroup, and the number of links leading to a target object, in the domain where target objects are interlinked hypertext documents on the World Wide Web or a similar system.

Hertz here discloses that an object's popularity may be measured by the number of replies it receives (if the object is a user post) or the number of links to it (if the object is a hypertext document), and nothing more. Any disclosure of a topically organized information resource with all three of the features required by claim 50 is also utterly lacking here.

Finally, at col. 74:12-38, Hertz assigns the term "virtual communities" to "computer bulletin boards, newsgroups, mailing lists, and real-time chat sessions" and discusses some features of newsgroups, including topics, posts, and voting to determine creation of a newsgroup. In its discussion of newsgroups and other "virtual communities," Hertz nowhere discloses a newsgroup page or other "topically organized information resource" that comprises all three features required by the "serving" step of claim 50, namely (1) a topic, (2) user posts, and (3) related links. To the contrary, Hertz here merely reinforces the fact that prior-art newsgroups failed to include the recited "plurality of links . . .", by omitting to mention such a feature.

In summary, Hertz fails to disclose or suggest the claimed step of "serving a topically organized information resource . . . comprising a defined topic of information, posts of information from users, and plurality of links to respective different remote information resources each containing information related to the topic," and the Answer has not demonstrated otherwise. Nor has the Examiner pointed out any suggestion or motivation in the prior art for combining a prior art resource such as a newsgroup page

with a plurality of links to topically related remote resources. Accordingly, the Examiner has not established a *prima facie* case of obviousness against claim 50 based on Hertz and Rose.

Issue 2: Hertz fails to disclose the claimed step of receiving "user ratings from the users, the user ratings signifying relevance of respective ones of the posts and of the remote information resources to the defined topic, the user ratings determined by respective ones of the users after reviewing respective ones of the posts and of the remote information resources."

As shown under Issue 1, Hertz fails to disclose an information resource in which a defined topic, user posts, and links to related resources are combined. It follows by logical necessity that Hertz fails to disclose receiving user ratings "signifying relevance of respective ones of the posts and of the remote information resources to the defined topic." It would be impossible to receive such ratings without a resource that included both user posts and links to topically related information resources, which resource Hertz does not disclose. Therefore, while the Answer argues (albeit incorrectly) that Hertz discloses a step of receiving user ratings, the Answer does not even attempt to show a step of receiving user ratings concerning the posts **and** the linked remote resources contained in a single resource. Failing to make this showing, the Answer also fails to make out a *prima facie* case of obviousness against claim 50.

In addition, except for arguing that Hertz discloses the recited "receiving" step as discussed below, the Answer does not rebut any of the numerous points made on pages 13-16 of the Appeal Brief regarding the deficiencies of Hertz and Rose with respect to the "receiving" step recited in claim 50. The Conferees appear to agree with Applicants that the broadest reasonable construction of "rating" is a "relative estimate or evaluation," and that claim 50 requires that a rating must be "determined by the users" and must signify "relevance of respective ones of the posts and of the remote information resources to the defined topic." Applicants' argument that a mere indication of interest in an object does not amount to a disclosure of the recited user rating is undisputed in the Answer. Likewise, the Answer does not dispute that the "Ringo system," "relevance feedback," and "topical interest" as disclosed by Hertz do not disclose the recited user ratings. Instead, the Answer cites old and new portions of Hertz as disclosing the recited user ratings, but without showing that Hertz discloses the recited user ratings, for the reasons explained below.

On p. 4.9-11 of the Answer, the following portion of Hertz is cited as disclosing the recited user ratings:

> specifically, if user V has provided a relevance-feedback rating of r(V, Y) for target object Y then insofar as that rating represents user V's true interest in target object Y, we have r(V, Y)=q(V, Y)+f(V, Y) and can estimate f(V, Y) as r(V, Y)-q(V, Y). Thus, the problem of estimating topical interest at all points becomes a problem of interpolating among these estimates of topical interest at selected points, such as the feedback estimate of f(V, Y) a s r(V, Y)-q(V, Y). This interpolation can be

> accomplished with any standard smoothing technique, using as input the
> known point estimates of the value of the topical interest function f(*, *),

Col. 19:30-43. However, the Answer ignores the point made in the Appeal Brief, that a
"relevance-feedback rating [as disclosed by Hertz] is merely a measure of user interest,
and not a specific indication of relevance to a defined topic." Appeal Brief, p. 14:8-15.
Likewise, it is undisputed that "topical interest" as disclosed by Hertz is also merely a
measure of interest that does not include "a specific indication of relevance to a defined
topic," as defined by Claim 50. Appeal Brief, p. 14:15 – 15:2. The Answer does not
respond to Applicants' reasoned arguments on these points, and is unreasonable in
maintaining that this portion of Hertz discloses "user ratings signifying relevance of
respective ones of the posts and of the remote information resources to the defined
topic," as defined by claim 50.

On pages 10 and 11 of the Answer, col. 2:57-61 of Hertz is cited which reads:

> Starting in the 1960's, an alternate approach to information retrieval
> was developed: users were presented with an article and asked if it
> contained the information they wanted, or to quantify how close the
> information contained in the article was to what they wanted.

This disclosure is deficient in several respects. There is no disclosure of a defined
topic, user posts, or links to remote resources related to the topic, as required by claim
50. So likewise, there is no disclosure of receiving user ratings regarding relevance of
user posts and linked resources to a topic defined by the very resource that contains the
user posts and links. Utterly lacking these details, it cannot reasonably be said to read
on the language of claim 50.

The answer also cites col. 3:5-8 of Hertz. But here, Hertz merely discloses a search methodology for locating articles of interest that involves receiving "relevance feedback." Relevance feedback is not a user rating "signifying relevance of respective ones of the posts and of the remote information resources to the defined topic," as required by claim 50. Instead, relevance feedback as disclosed by Hertz refers to "the user actively or passively [rating] the articles received as to how close the information contained therein is to what is desired." This is a different kind of rating, applied in a different process. Hertz does not disclose receiving user ratings concerning relevance of user posts and linked resources to a topic defined by the same resource that contains the user posts and links to the remote resources. Likewise, the Answer's citation of MPAA movie ratings, AMA ratings of medical research papers, or survey samples of users "who could be asked to rate nearly anything" does not demonstrate any prior art disclosure of claim 50's limitations. Claim 50 does not encompass receiving user ratings in general, or receiving any kind of user rating regarding any kind of object. Claim 50 covers only receiving a particular type of rating regarding a particular type of object, which particulars Hertz fails to disclose.

The Answer further cites Hertz at col. 18:65 -- 19:5 as disclosing "user ratings determined by respective ones of the users after reviewing respective ones of the posts and of the remote information resources." Here, Hertz merely discloses:

> The computation process begins at step 1201, where certain designated numeric attributes of target object X are specifically selected,

> which attributes by their very nature should be positively or negatively
> correlated with users' interest. Such attributes, termed **"quality
> attributes," have the normative property that the higher (or in some
> cases lower) their value, the more interesting a user is expected to
> find them.** Quality attributes of target object X may include, but are not
> limited to, target object X's popularity among users in general, the rating a
> particular reviewer has given target object X, the age (time since
> authorship—also known as outdatedness) of target object X, the number
> of vulgar words used in target object X, the price of target object X, and
> the amount of money that the company selling target object X has donated
> to the user's favorite charity.

Col. 18:57 - 19:5 (emphasis added). Hertz here discloses computing a "quality
attribute" which is an estimate of how much a particular object is likely to be of interest
to a user. In making this estimate, the computation process Hertz discloses may make
use of "a rating that a particular reviewer has given target X." Here again Hertz
discloses nothing more that that any object generally may be rated in various ways.
This falls far short of disclosing the specific step defined by claim 50. Again, Hertz fails
to disclose receiving user ratings regarding relevance of user posts and linked
resources to a topic defined by the same resource that contains the user posts and
links. Hertz cannot reasonably be said to read on this language of claim 50.

The Answer cites to a great many portions of Hertz, none of which disclose the
specific limitations of claim 50, and therefore does not make out a proper *prima facie*
case under § 103.

Issue 3: Hertz and Rose do not disclose "providing access to the aggregate ratings data in association with the posts of information and with the plurality of links."

The Answer relies on Rose as disclosing this element. However, reasonably considered, Rose does not disclose this element. Rose is cited in numerous locations to support a defective *prima facie* case under § 103. The cited portions of Rose are considered in turn below.

On page 12 of the Answer, col. 10:48-51 is cited, which reads "a formula which predicts the interest of a user in an item of information on the basis of a collection of votes of other users relating to that item of information, a user profile and an attribute related to that item of information." At most, this amounts to nothing more than a general disclosure that votes of other users relating to an item of information may be collected and used to predict interest of another user. However, claim 50 requires that the aggregate ratings be provided by aggregating the particular user ratings defined by claim 50; that is, the user ratings concerning relevance of user posts and linked resources to a topic defined by a resource that contains the user posts and links. Rose fails to disclose an aggregate of ratings of this type, nor does Rose disclose providing access to such aggregate rating data in association with the recited posts and links.

The Answer argues that "Rose discloses a list of ranked messages providing [sic] to the client program" and that this amounts to a disclosure of the "providing access"

step of claim 50. Answer, p. 12:4-7. In support of this argument the Answer cites figs. 3 and 7, col. 4:45-62, and col 9:54-63. Fig. 3 of Rose is "an example of an interface window for presenting a sorted list of messages to a user." Col. 2:60-61. Fig. 7 is "an example of an interface window for a movie recommendation database" that shows movie titles in a ranked order. At col. 4:40-62, Rose describes fig. 3 as showing an interface in which a "list of ranked messages are displayed" according to "a predicted degree of relevance to a user." At col. 9:54-63, Rose describes fig. 7 as showing "the title of each movie accompanied by a recommendation score." Meanwhile, the scores are provided from a process in which "[e]ach time a user sees a movie, he or she can record his or her reaction to it, e.g., like or dislike." These disclosures show that the process of collecting user reactions to information items, and then presenting the items in a ranked list reflecting an aggregate of the user reactions, was known in the art. However, the process defined by claim 50 has several express limitations that are not disclosed in the more general disclosures of Rose.

Rose's disclosures of displaying messages according to a "predicted degree of relevance to a user" or displaying movie titles in a ranked order in part based on user feedback are both deficient. Both fail to disclose the display of aggregate user rankings "in association with the posts of information and with the plurality of links." Claim 50 requires that the aggregate data be provided in association with **the** posts and with **the** links that are included in the "topically organized information resource" that is served in

the serving step to provoke collection of the user ratings that are aggregated and provided. Rose does not disclose providing aggregated data in association with objects having the characteristics defined by claim 50, and thus, fails to disclose the "providing . . ." step of this claim.

Furthermore, the "predicted degree of relevance to a user" or user reactions to movies, as disclosed by Rose, do not read on the "aggregated ratings data" of claim 50. Aggregating user ratings of messages and movies, as Rose discloses, does not amount to aggregating data having the characteristics required by claim 50. Claim 50 requires that the aggregated data signify "relevance of respective ones of the posts and of the remote information resources to the defined topic." These posts and links to the remote resources are, according to claim 50, the same posts and links that the aggregated data is associated with. Merely aggregating and providing user likes and dislikes, as Rose discloses, is not encompassed by these limitations because such user likes and dislikes do not concern relevance of a defined topic, much less a topic associated with the same posts and links. Therefore Rose fails to disclose the step of providing the aggregated user ratings, under the broadest reasonable construction of claim 50. The *prima facie* case set forth in the answer is deficient for these reasons, as well.

Claims 59, 60, 62 and 63 stand together with claim 50.

II. REJECTION UNDER 35 U.S.C. § 103(a) OF CLAIM 51

Hertz and Rose do not disclose "modifying the topically organized information resource to prioritize information according to the aggregate ratings data."

The Answer cites the Abstract of Hertz and col. 6:58-62 as disclosing this step. These portions of Hertz disclose updating a users "target profile interest summary" to reflect the user's changing interests. In particular, col. 6:58-62 discloses that a "target profile interest summary" is constructed from user feedback, for example from search profiles executed by the user, which "correspond to a single topic of high interest to the user."

The Answer does not explain why updating a "target profile interest summary" reads on modifying the topically organized information resource. For the cited portion of Hertz to read on the claimed step, a "target profile interest summary" as disclosed by Hertz has to be the same as a "topically organized information resource" as defined by claim 51 and its antecedent claim 50. Therefore, a target profile interest summary must have the same features as defined by claims 50 and 51 for a topically organized information resource. One can quickly see, however, that the target profile interest summary as disclosed by Hertz lacks the features defined for the claimed information resource. The target profile interest summary is constructed for each user. Col. 6: 48-50. It is used to estimate individual user's interest is various target objects. Col. 6:53-60. It lacks all three recited features of: (1) a topic, (2) user posts, and (3) related links

as defined by claim 50 for the topically organized information resource. Therefore, a target profile interest summary is not the same as the claimed topically organized information resource, and it follows that Hertz fails to disclose the recited step of modifying the topically organized information resource.

III. REJECTION UNDER 35 U.S.C. § 103(a) OF CLAIM 52

Hertz and Rose do not disclose "serving the information resource including a vote object configured for providing the users an option to rate the posts according to predetermined rating values."

With reference to the Answer at p. 13, ¶ 10, it is argued that Hertz's disclosure of MPAA child-appropriateness ratings amounts to a disclosure of the recited step. This is an unreasonable argument. Hertz discloses MPAA ratings values merely as exemplary of an attribute that may be used to characterize a target object. Col. 9:65-67; col. 10:6-10. Likewise, Hertz discloses that a user rating may be used as an attribute for a target object. Col. 18:65 – 19:5. A bare disclosure that some objects may be assigned predetermined (e.g., MPAA) rating values does not, however, amount to a disclosure of the recited step of serving the information resource including a vote object configured for providing users an option to rate posts according to predetermined rating values. Where does Hertz disclose the recited "vote object"? Where does Hertz disclose serving such an object with the recited information resource? Where does Hertz show a

vote object having the recited property of providing users with an option to rate posts? The answer to all these questions is "nowhere." The express limitations of claim 52 are lacking disclosure in Hertz, and cannot be ignored.

Hertz's disclosures do not reasonably amount to a disclosure of the recited step, failing to disclose serving the information resource as defined by claim 50 -- i.e., the information resource that includes all **three** of a defined topic, user posts and links to remote information -- at all. Hertz further fails to disclose serving the information resource (or anything else) together with a vote object that "is configured for providing the users an option to rate the posts according to predetermined rating values." Hertz does not disclose serving an object configured for rating user posts.

Merely disclosing that user ratings or predetermined rating values may be used as attributes for a target object, as Hertz does, falls short of disclosing the recited step. To read on this claim element, Hertz must disclose the specific action of serving the recited information resource including the features required by claim 50, together with a vote object that is configured in the specific way recited by claim 52. Taking the broadest reasonable interpretation of claim 52, Hertz simply fails to disclose the recited step.

IV. REJECTION UNDER 35 U.S.C. § 103(a) OF CLAIM 53

Hertz and Rose do not disclose "displaying the posts in a ranked order according to the aggregate ratings data."

The Answer does not respond to the argument set forth in the Appeal Brief, that Rose merely discloses ranking a list of messages according to a "predicted degree of relevance to the user." Col. 4:40-52; Fig. 3. Rose is deficient in that a "predicted degree of relevance to the user" does not read on "the aggregate ratings data" as defined by base claim 50. That is, Rose discloses displaying messages in a ranked order, which is indisputably known in the prior art. However, Rose does not disclose ranking anything according to the claimed aggregate ratings data as defined by claim 50.

The "predicted degree of relevance to a user" or user reactions to movies, as disclosed by Rose at Figs. 3 & 7, col. 4:45-62 and col. 9:54-63, do not read on the "aggregated ratings data" of claim 50. Claim 50 requires that the aggregated data signify "relevance of respective ones of the posts and of the remote information resources to the defined topic." These posts and links to the remote resources are, according to claim 50, the same posts and links that the aggregated data is associated with. Merely aggregating and providing user likes and dislikes, as Rose discloses, is not encompassed by these limitations because such user likes and dislikes do not concern relevance of a defined topic, or with a topic associated with the same posts and links as are rated. Failing to disclose the "aggregate ratings data" as defined by antecedent claim 50, Rose necessarily fails to disclose the step of ranking per the aggregate rankings data as defined by claim 53.

V. REJECTION UNDER 35 U.S.C. § 103(a) OF CLAIM 54

Hertz and Rose do not disclose "**displaying plurality of links in a ranked order according to the aggregate ratings data.**"

The Answer does not respond to the argument set forth in the Appeal Brief, that is, as noted above, Rose merely discloses ranking a list of messages according to a "predicted degree of relevance to the user." Col. 4:40-52; Fig. 3. This is deficient in that a "predicted degree of relevance to the user" does not read on "the aggregate ratings data" as defined by base claim 50, as summarized under Section IV above. That is, Rose discloses displaying messages in a ranked order, but not according to the claimed aggregate ratings data. In addition, Rose does not disclose ranked ordering of links.

VI. REJECTION UNDER 35 U.S.C. § 103(a) OF CLAIM 55

Hertz and Rose do not disclose "**compiling the user ratings for subject matter received from a specific source to provide source-associated rating data.**"

In the Appeal Brief, it was argued that a "source" as used in claim 55 would be understood as the person or other entity responsible for supplying the content. The Answer does not dispute this definition, not does it rebut the argument set forth in the Appeal Brief, that Herz merely discloses various attributes of information that may be useful in evaluating target profiles, for example the source of the object or a certification from a recognized source. Col 12:10-19; 12:36-44. Meanwhile, claim 55 defines the

different action of compiling user ratings for subject matter received from a specific source. For example, if user "Fred" has submitted 55 items to the information resource, and the average user rating for these items is "5" on a scale of 1 to 10, a source-associated rating of "5" may be provided for Fred.

On page 14, ¶ 16 of the Answer, it is argued that Hertz discloses the step recited in claim 55 at col. 22: 61-65, which reads:

> It follows that a useful quality attribute for a target object X is the average amount of residue feedback $r_{res}(V, X)$ from users on that target object, averaged over all users V who have provided relevance feedback on the target object.

The Answer provides no analysis supporting this conclusion. It is unclear what argument is being made. Apparently, "residue feedback" is being read as disclosing the "source-associated ratings data" defined by claim 55. However, residue feedback as disclosed by Hertz is an average of feedback from "users on that target object," i.e., it comes from multiple users. Hertz fails to disclose compiling feedback received for multiple target objects "received from a specific source," i.e., a single source, as defined by claim 55. Thus, after being compiled, the "residue feedback" disclosed by Hertz does not relate to the specific source from which it is received, as claim 55 inherently requires. More to the point, the Hertz does not disclose the step recited in claim 55, because Hertz does not disclose compiling the user ratings for subject matter attributed to a specific source.

VII. REJECTION UNDER 35 U.S.C. § 103(a) OF CLAIM 56

Hertz and Rose do not disclose "ranking a plurality of information sources according to the source-associated rating data for each source."

On page 14, ¶ 18, the Answer argues that this step is disclosed by Hertz filtering and ranking "in the order of interest that many target objects found by a conventional database search." There is no dispute that Hertz discloses ranking objects based on predicted relevance to a user, i.e., predicted user interest. However, this has nothing to do with, and is completely distinct from, ranking data according to the source-associated rating data for each source, as defined by claim 56. As defined by claims 55 and 56, source-associated rating data is compiled from ratings received for subject matter from a specific source. It therefore constitutes a measure of quality of a source or sources. Hertz fails to disclose developing or using data concerning the quality of a source

Hertz does not disclose ranking a plurality of information sources at all: Hertz discloses instead ranking target objects according to predicted user interest. In addition, as discussed under Section VI above, Hertz does not disclose compiling the source-associated rating data defined by antecedent claim 55. It follows that Hertz also does not disclose ranking anything according to source-associated rating data.

VIII. REJECTION UNDER 35 U.S.C. § 103(a) OF CLAIM 57

Hertz and Rose do not disclose "providing the users an option to receive the source-associated rating data for each user that has provided subject matter to the topically organized information resource."

On page 15, ¶ 20, the Answer argues that this step is disclosed by Hertz at col. 64:55 – 65:6 as "the ability to identify new or updated target objects that are relevant to the user, wherein the system may notify the user of these relevant target objects by an electronic notification." The Answer provides no analysis supporting this conclusion, and it is not clear how Hertz discloses the recited step. For one thing, Hertz fails to disclose developing any ratings data associated with "each user that has provided subject matter to the topically organized information resource," as claim 57 requires. Likewise, Hertz does not disclose offering users "an option to receive the source-associated rating data" for each such user. Notifying a user of a "new or updated target object," as disclosed by Hertz, does not expressly or inherently include the distinct and specific step defined by claim 57. Hertz simply lacks any disclosure of this step.

IX. REJECTION UNDER 35 U.S.C. § 103(a) OF CLAIM 58

Hertz and Rose do not disclose "receiving preference information from the users, wherein the preference information specifies a threshold criteria for filtering the posts according to the source-associated rating data applied to the contributor of each post of the posts."

On page 14, ¶ 22, the Answer concludes, without providing any argument in support, that Hertz discloses the step recited by claim 58 at col. 64:55 – 65:6. A fair reading of Hertz does not support this conclusion:

> Update Notification
> A very important and novel characteristic of the architecture is the ability to identify new or updated target objects that are relevant to the user, as determined by the user's search profile set or target profile interest summary. ("Updated target objects" include revised versions of documents and new models of purchasable goods.) The system may notify the user of these relevant target objects by an electronic notification such as an e-mail message or facsimile transmission. In the variation where the system sends an e-mail message, the user's e-mail filter can then respond appropriately to the notification, for instance, by bringing the notification immediately to the user's personal attention, or by automatically submitting an electronic request to purchase the target object named in the notification. A simple example of the latter response is for the e-mail filter to retrieve an on-line document at a nominal or zero charge, or request to buy a purchasable of limited quantity such as a used product or an auctionable.

Col. 64:55 – 65:6. Any connection between update notification as disclosed by Hertz and the step recited by claim 58 is simply nonexistent in this passage, or elsewhere. Identifying new or updated target objects plainly has nothing to do with receiving preference information from users specifying "a threshold criteria for filtering the posts according to the source-associated rating data applied to the contributor of each post of the posts," as recited by claim 58. Hertz fails to disclose or suggest any operation on source-associated rating data, much less any application of such data to a "contributor of each post." Failing to disclose the existence of source-associated data applied to

each contributor, Hertz also fails to disclose receiving preference information specifying threshold criteria for filtering the posts according to the source-associated data.

X. REJECTION UNDER 35 U.S.C. § 103(a) OF CLAIM 61

Hertz and Rose do not disclose "serving at least one of the respective different remote information resources comprising a second defined topic of information, a second plurality of posts of information from users, and a second plurality of links to respective different remote information resources each containing information related to the second topic."

On page 16, ¶ 24, the Answer concludes, on the basis of the arguments provided in connection with claim 50, that Hertz also discloses the elements defined by claim 61. Applicants rebut this conclusion by incorporating the arguments set forth in Section I above with respect to claim 50. In brief, Hertz fails to disclose serving an information resource comprising all three of a defined topic, user posts, and the plurality of links to relevant remote resources.

The Answer further argues that Hertz discloses the elements of claim 61 by disclosing "a method for automatically generating menus to allow users to locate and retrieve articles on topics of interest" at col. 79:46-65. Apparently the argument is that allowing users to search and retrieve articles on multiple topics reads on the claim language. Applicants respectfully disagree. Hertz fails to disclose articles or other target objects that comprise all three of a defined topic, user posts, and a plurality of

links to related items, as defined by claim 61. Thus, Hertz fails to disclose the step of serving the defined information resource for a second topic or multiple topics.

XI. REJECTION UNDER 35 U.S.C. § 103(a) OF CLAIM 64

Hertz and Rose do not disclose "receiving preference information from the users, wherein the preference information specifies a threshold criteria for filtering the posts according to the aggregate ratings data."

On page 16, ¶ 26, the Answer reiterates the argument set forth in the final action, that Rose discloses this element by disclosing that messages having a ranking below a certain threshold are not displayed, and that the selection threshold can be changed by the user. Col. 4:63 - 5:9. The Answer does not respond to the argument set forth in the Appeal Brief, that Rose merely discloses ranking a list of messages according to a "predicted degree of relevance to the user." Col. 4:40-52; fig. 3. Rose is deficient in that a "predicted degree of relevance to the user" does not read on "the aggregate ratings data" as defined by claims 50 and 64. The deficiency of Rose in this regard is discussed more fully in Section IV above, regarding claim 53. Rose is deficient in the same way with regard to claim 64. Rose does not disclose filtering the posts according to aggregate ratings data, and does not disclose any use of aggregate ratings data as defined by claim 64.

XII. REJECTION UNDER 35 U.S.C. § 103(a) OF CLAIM 65

Hertz and Rose do not disclose "serving an interactive tolerance bar for providing the users an option to send the preference information."

On page 17, ¶ 28, the Answer does not repeat the arguments set forth in the Final Office Action, which arguments were effectively rebutted in the Appeal Brief. Instead, the Answer argues that the serving of the interactive tolerance bar recited by claim 65 is disclosed at col. 30:27-39, which reads:

> An important characteristic of this system for customized electronic identification of desirable objects is its responsiveness, since the intended use of the system is in an interactive mode. The system utility grows with the number of the users and this increases the number of possible consumer/product relationships between users and target objects. A system that serves a large group of users must maintain interactive performance and the disclosed method for profiling and clustering target objects and users can in turn be used for optimizing the distribution of data among the members of a virtual community and through a data communications network, based on users' target profile interest summaries.

This passage does not disclose the recited interactive tolerance bar. Although Hertz here as elsewhere discloses an interactive system for providing a customized electronic newspaper, Hertz lacks any specific disclosure of "serving an interactive tolerance bar for providing the users an option to send the preference information." A general disclosure of an interactive information system as disclosed by Hertz cannot reasonably be said to disclose the recited step, because such a conclusion affords no patentable weight to numerous express limitations of claim 65, including "tolerance bar" and "preference information." Hertz lacks any disclosure of a "tolerance bar." As noted

above in connection with antecedent claim 58 (Section IX), Hertz also lacks any disclosure of "preference information." Lacking any disclosure of these express elements, Hertz likewise fails to disclose the step recited by claim 65.

XIII. REJECTION UNDER 35 U.S.C. § 103(a) OF CLAIM 66

Hertz and Rose do not disclose "serving at the respective different remote information resources each comprising at least one link back to the information resource."

On page 17, ¶ 30, the Answer does not repeat the arguments set forth in the Final Office Action, which arguments were effectively rebutted in the Appeal Brief. Instead, the Answer argues that the serving of respective information resources each comprising at least one link back to the information resource is disclosed at col. 7:6-12 and col. 12:18-21 of Hertz. At col. 7:6-12, Hertz discloses

> Similarly, if users who exhibit an interest in certain World Wide Web sites also exhibit an interest in certain products, the system can match the products with the sites and thereby recommend to the marketers of those products that they place advertisements at those sites, e.g., in the form of hypertext links to their own sites.

Here, Hertz merely discloses that links to advertisements may be placed on an website. The well-known practice of providing advertising on a website does not read on the recited step of claim 66. Claim 66 requires that the remote information resources defined by claim 50 each comprise a link back to the topically organized information resource, also defined by claim 50. Claim 66 does not cover every hyperlinked

resource, or every link back to a referring resource. Rather, claim 66 is limited to a method that includes serving linked resources having links back to an information resource that, as defined by claim 50, comprises all three of a defined topic, user posts, and links to the topically-related remote resources each including a link back to the information resource. Clearly, Hertz does not disclose these specific features of claim 66.

At col. 12:18-21, Hertz discloses "Important associative attributes for a hypertext document are the list of documents that it links to, and the list of documents that link to it." This concerns a different aspect of Hertz, in which attributes of an object that are used to predict a user's interest in the object may include lists of linked documents. Again, this is distinct from the topically-organized linking defined by claim 66, in which topically-related remote resources are linked back to a referring resource that comprises a topic, user posts, and links to the remote resource. Using a list of links as an attribute for a hypertext document, as Hertz discloses, lacks any specific disclosure of these features recited by claim 66.

XIV. REJECTION UNDER 35 U.S.C. § 103(a) OF CLAIM 68

Hertz and Rose do not disclose "defining a plurality of topics for the posts of information, and storing the topics in the memory."

On page 16, ¶ 32, the Answer argues that "generating menus to allow users to locate and retrieve articles on topics of interest" is disclosed by Hertz at col. 4:45-48 and

col. 79:46-64, and amounts to a disclosure of the recited elements. The Answer does not repeat the arguments set forth in the Final Office Action, which arguments were effectively rebutted in the Appeal Brief.

At col. 4:45-48, Hertz merely discloses that "the target objects are informational in nature, and so may themselves be stored on electronic media and be accessible via a data communication network." This bare disclosure in no way discloses the proscriptive method of claim 68, which requires defining topics for the user posts that are included in the topically organized information resource. As pointed out in the Appeal Brief, Hertz and Rose are concerned with predicting a user's interest in new information objects, not in defining a topic or topics for a forum of user posts.

The Answer correctly summarizes col. 79:46-64 as disclosing "generating menus to allow users to locate and retrieve articles on topics of interest." But in no way does this amount to a disclosure of "defining a plurality of topics for the posts of information, and storing the topics in the memory," as defined by claim 68. Hertz lacks any disclosure of "defining a plurality of topics for the posts of information" included in an information resource. In general, Hertz teaches the opposite approach of predicting topics and objects that users may find interesting.

XV. REJECTION UNDER 35 U.S.C. § 103(a) OF CLAIM 69

Hertz and Rose do not disclose "grouping the posts in a plurality of topically organized interlinked information resources according to the rating data, wherein each of the interlinked information resources comprises posts relevant to one of the plurality of topics."

On page 18, ¶ 34, the Answer does not repeat the arguments set forth in the Final Office Action, which arguments were effectively rebutted in the Appeal Brief. Instead, the Answer argues that the elements of claim 69 are disclosed by Hertz at col. 7:31-38, which reads:

> Browsing provides an alternate method of selecting a small subset of a large number of target objects, such as articles. Articles are organized so that users can actively navigate among groups of articles by moving from one group to a larger, more general group, to a smaller, more specific group, or to a closely related group. Each individual article forms a one-member group of its own, so that the user can navigate to and from individual articles as well as larger groups. The methods used by the system for customized electronic identification of desirable objects allow articles to be grouped into clusters and the clusters to be grouped and merged into larger and larger clusters. These hierarchies of clusters then form the basis for menuing and navigational systems to allow the rapid searching of large numbers of articles. This same clustering technique is applicable to any type of target objects that can be profiled on the electronic media.

Here, Hertz discloses a process of clustering "any type of target object that can be profiled" in a hierarchy of groups. According to Hertz, the target object must be capable of being profiled before it is grouped, so it is clear that clustering according to Hertz is done according to profiles that Hertz elsewhere discloses are automatically generated

for target objects. In contrast, claim 69 defines a process that operates by "grouping the posts in a plurality of topically organized interlinked information resources according to the rating data," where "the rating data" refers to the "aggregate relevance ratings data" defined by antecedent claim 50. Meanwhile, the plurality of topics are those defined by antecedent claim 68, each of which is included in one of the interlinked information resources with user posts. Therefore, claim 69 defines a process in which user posts are grouped by relevance ratings data within information resources, each of which is devoted to a defined topic. Hertz does not disclose grouping user posts at all. Nor does Hertz disclose grouping of any information according to an aggregate of user relevance feedback inside of a topically-organized resource. The process disclosed by Hertz merely provides that any object can be grouped by its profile.

XVI. CONCLUSION

The arguments set forth in the Appeal Brief have not been successfully rebutted by the Answer, as shown by the discussion above. Appellants respectfully request the reversal of the rejection of currently pending Claims 50-69, and allowance of these claims forthwith, for the reasons set forth in the Appeal Brief and above.

Respectfully submitted,

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